



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

16 MAR 2009

Ms. Peggy Casey, Environmental Projects Team Leader
Federal Highway Administration
3220 W Edgewood, Ste H
Jefferson City, MO 65109

Mr. Kevin Keith, Chief Engineer
Missouri Department of Transportation
P.O. Box 270
Jefferson City, MO 65102

Dear Ms. Casey and Mr. Keith:

RE: Review of Improve I70 – Draft Supplemental Environmental Impact Statement
for Interstate 70 Corridor, Kansas City to St. Louis, Missouri
FHWA-MO-EIS-09-01, MoDOT Job Number: J411341

The U.S. Environmental Protection Agency has reviewed the Improve I70 – Draft Supplemental Environmental Impact Statement for the Interstate 70 Corridor from Kansas City to St. Louis, Missouri, a distance of approximately 200 miles. Our review is provided pursuant to the National Environmental Policy Act 42 U.S.C. 4231, Council on Environmental Quality regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act. The DSEIS was assigned the CEQ number 20090024.

Based on our overall review and the level of our comments, the EPA has rated the DSEIS for this project Lack of Objections. A copy of EPA's rating descriptions is provided as an enclosure to this letter.

Overall the DSEIS adequately identifies potential environmental and human health impacts, based largely on the findings included in the Second Tier Draft Environmental Impact Statements for seven Sections of Independent Utility throughout the corridor. Though the changes in environmental impacts included in the DSEIS were overall minimal (since the majority of the proposed amendments fall within the previously cleared environmental footprint), the following comments focus on minimization and mitigation of these impacts and provide additional information related to the project:

Streams and Wetlands

As the final footprint is determined, we recommend avoiding and minimizing impacts to wetlands and streams as much as possible. We recommend that any mitigation should occur in the same HUC 8 or smaller watershed as the location of the project impacts. If changes occur in the project purpose, need, alternatives, or impacts between now and the time of issuance on Public Notice by the U.S. Army Corps of Engineers, EPA's 404 program reserves the ability to comment further on this project. Information may be generated through the 404 public interest review process that was not documented during the EIS process and should be considered in the final decision. This could include changes in regulation or processes, advances in the knowledge of the resources to be impacted, discovery of populations of threatened or endangered species, new best management practices, and/or improvement in stream or wetland restoration science.

EPA notes the following changes and additional impacts since the Tier 2 reviews:

- SIU 1: none (only .11 ac of non-jurisdictional fringe wetlands)
- SIU 2: 6.58 acres wetlands (3.58 jurisdictional, 3.0 acres non-jurisdictional, and 2200 linear feet of possible jurisdictional stream)
Also, if recommended truck/car interchanges are implemented, 810 linear feet relocated- with potential jurisdiction
- SIU 3: none
- SIU 4: none
- SIU 5: none
- SIU 6: If recommended truck/car interchanges are implemented; 998 linear feet of jurisdictional stream
- SIU 7: none

Environmental Justice and Residential Displacement

EPA notes that an area of additional impact occurs within SIU 4 in Columbia, Missouri, and would result in subsequent residential displacement of approximately 50 persons (per pages 40 and 41 of Technical Memorandum 3: Tier 2 Evaluation) to implement the truck only lanes (TOL) alternative. This area has been determined to be an EPA Environmental Justice area per EPA Region 7 methodologies. EPA recommends taking proactive measures to minimize adverse effects. We recommend that special considerations and amenable solutions be identified for the residents currently occupying the 20 residential properties that will be displaced. The DSEIS does not identify appropriate options or availability of similar housing for this special population that may be relocated. The final EIS should include a discussion of how this impact will be resolved. Attached is an output from EPA's Geographic Information System that delineates this EJ area.

Wildlife Crossings

At the February 25, 2009, Improve I-70 meeting in Columbia, Missouri, the issue of whether or not wildlife will successfully be able to cross I-70 when fitted with Jersey Barriers was discussed. Though the final design for this highway has not yet been decided, this issue has

been explored in other recent highway studies. For possible considerations of alternatives, please see a final report issued by the California Department of Transportation titled "Highway Median Impacts on Wildlife Movement and Mortality; State of the Practice Survey and Gap," available online at:

http://www.dot.ca.gov/newtech/researchreports/reports/2006/median_barrier_final_report.pdf.

Thank you for the opportunity to provide our comments regarding this project. If you have any questions, please contact me at 913-551-7565 or via email at tucker.amber@epa.gov, or you may contact Joe Cothorn, NEPA Team leader, at 913-551-7148 or via email at cothorn.joe@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Amber Tucker".

Amber Tucker
NEPA Reviewer
Environmental Services Division

Enclosure

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

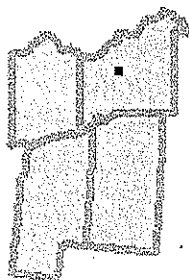
"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

This map shows the Lexington, Kentucky area. Major roads include US Highway 60 (Bourbon Road) running north-south and US Highway 63 (Lexington Road) running east-west. Lexington is marked with a large 'L' and a '60' shield. Other towns shown include Nicholasville, Middletown, and Georgetown. The map also depicts the Kentucky River and various smaller roads and landmarks. A scale bar in the bottom right corner indicates a distance of 0.19 miles. A north arrow is also present.



US Highways

State Highways and County Roads

Results

3D3d Streams

EJ Areas {Block Group}

Minorities = 25%

3652 =c f11780d

5017

No Match



REGION 7
ENSV Division
2-27-2009

NOTE: The Environmental Protection Agency does not guarantee the accuracy, completeness, or timeliness of the information shown, and shall not be liable for any loss or injury resulting from reliance upon the information shown.

"Minorities" is a percentage of minority individuals relative to total population per block group. "Below Poverty" is the percentage of the total block group population with incomes below the poverty level in 1999. Block group geography and demographic data are based on the 2000 Census. This information depicts areas of concern where potential environmental and/or human health problems may disproportionately impact a population.

This information should not be used in comparison to previous EPA Region 7 Environmental Justice maps using 1990 data, as the data parameters have changed. The EPA Region 7 Environmental Justice Program has chosen to adopt the U.S. Census Bureau's parameters for poverty and race/ethnicity status in an effort to show a more accurate picture.